



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

February 16, 2023

BY ECF

Hon. Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. Customs and Border Protection et al.*, 21 Civ. 10430 (ER)

Dear Judge Ramos:

This Office represents the defendant agencies in the above-referenced action brought under the Freedom of Information Act. Pursuant to the Court's order, I write respectfully to provide the Court with an updated status report regarding the agencies' outstanding searches and productions in this case, some of which have been delayed from the agencies' original estimates.

Customs and Border Protection: made productions on July 21, August 31, and October 14, 2022, and produced redacted versions of 11 of the videos discussed in earlier letters on February 10, 2023; CBP is still reviewing other such videos and will produce them once its review is complete.

Federal Bureau of Investigation: produced documents on June 21, November 15, and December 15; the remaining records are videos, which based on a preliminary review, the FBI would likely withhold in full. FBI has provided plaintiffs with some additional information regarding these videos and its anticipated basis for withholding them, and the parties' discussions about them are continuing.

U.S. Marshals Service: made productions on July 15, October 24, December 16, 2022, and on February 1, 2023; in the cover letter for its latest production, USMS noted that it had sent five pages to another agency for a consultation, which remains outstanding. Once this consultation is completed and the relevant documents processed, USMS will have completed its production.

The parties will make their next monthly status report on March 17, 2023. We thank the Court for its consideration of this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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cc: Counsel for plaintiffs (by ECF)